

First Named Inventor	Robert E. Haines	PRE-APPEAL BRIEF REQUEST FOR REVIEW
Serial No.	10/015,097	
Filing Date	October 29, 2001	
Group Art Unit	2157	
Examiner Name	El Hadji M. Sall	
Confirmation No.	1532	
Attorney Docket No.	10012346-1	
Title: DYNAMIC MAPPING OF WIRELESS NETWORK DEVICES		

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In response to the Advisory Action mailed November 7, 2006 and the Final Office Action mailed August 15, 2006, please consider the following in the Pre-Appeal Brief Request for Review:

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REMARKSClaim Rejections Under 35 U.S.C. § 112

Appellant notes that the Advisory Action does not reassert the rejection under 35 U.S.C. § 112 as found in the Final Office Action mailed August 15, 2006. Appellant thus believes that this rejection has been overcome in view of the prior amendments. However, if this rejection still stands, please refer to Appellant's prior response filed October 10, 2005.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4 and 6-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogier et al. (U.S. Patent No. 6,845,091 B2) in view of Sandhu et al. (U.S. Patent No. 6,867,733 B2). Appellant respectfully traverses.

Claim 1 requires that the representation of the first network device requesting a service on the network is highlighted to differentiate it from representations of other network devices. The Advisory Action asserts that a node of Ogier et al. is highlighted when an Internet service provider assigns to that node a network address, and states that the network address is a unique identifier that must stay different when requesting a service. Advisory Action, Continuation Sheet, section A.

Appellant first notes that highlighting as used in the claims is of the representation of a network device and not an identification of the device itself. See, e.g., Specification, paragraph 0047 ("The network device 760 seeking or requesting services, i.e., a requesting device, may be highlighted or otherwise identified on the map to ease location of other network devices relative to the requesting device. Highlighting can include use of color, shading, texture, shape, tone, flashing, text labels or any other method of distinguishing the requesting device."). Appellant contends that a network address cannot function to highlight which network device is requesting a service because the assigned network address is the same when the device is requesting a service as when it is not requesting a service. Appellant further contends that the secondary reference of Sandhu et al. fails to cure this deficiency of the primary reference of Ogier et al.

In addition, claim 1 requires that the representations of the network devices comprise visual, audible and/or tactile indicators. Appellant contends that the network address for a node of Ogier et al. does not alter a visual, audible or tactile indicator of that node and thus cannot

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highlight a representation of a node as that term is used in Appellant's claim 1. Appellant contends that the secondary reference of Sandhu et al. further fails to cure this deficiency of the primary reference of Ogier et al.

Claim 1 further requires that the representation of the second network device is highlighted to differentiate it from representations of other network devices that are incapable of providing the service requested by the first network device. In addressing this limitation, the Advisory Action claims that Ogier et al. discloses that its embodiments can have a group of interconnected servers to provide redundancy, that data on a first server can be replicated on one or more other interconnected servers, and that these interconnected servers correspond to Appellant's second network devices. *See*, Advisory Action, Continuation Sheet, section B.

The Advisory Action makes no reasoned statement as to how a representation of one of these interconnected servers is highlighted to differentiate it from representations of other network devices that are incapable of providing the service requested by the first network device. In fact, if these interconnected servers are provided for redundancy, they must all be capable of providing the same service. As such, there is no teaching or suggestion in Ogier et al. as to how to differentiate a representation of one of these second network devices from another. Appellant further contends that the secondary reference of Sandhu et al. fails to cure this deficiency of the primary reference of Ogier et al.

Furthermore, the secondary reference of Sandhu et al. is brought in to cure an admitted deficiency of Ogier et al. in that Ogier et al. does not teach that representations of network devices provide an indication of at least a relative proximity between their respective network device and the reference point. Final Office Action, page 5, second paragraph. However, Ogier et al. is not concerned with, and gains no benefit from, knowing locations of its network devices as it is concerned with maintaining communications with a mobile device as it moves from one subnet to another, or establishing communications with a mobile device as it enters a subnet. *See* Ogier et al., column 3, lines 7-12. As such, Appellant contends there is no motivation or suggestion to modify the primary reference of Ogier et al. to add the location stamps of Sandhu et al. as knowledge of location is irrelevant to the invention and disclosure of the primary reference of Ogier et al.

In response, the Advisory Action states that one would be motivated to modify the Ogier et al. reference to include location stamps of Sandhu et al. in order to allow notification of the

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requestor. Advisory Action, Continuation Sheet, section C. However, there is no reasoned statement as to what purpose such notification would serve in establishing and maintaining communication between a network and a network device as taught by Ogier et al.

In addition, the Final Office Action identifies Ogier et al.'s subnets 10 or 20 as corresponding to Appellant's reference point as used in its claims. Final Office Action, page 3, last line through page 4, line 2. If the Office defines Ogier et al.'s subnet 10 or 20 to correspond to Appellant's reference point, the combination of Sandhu et al. with Ogier et al. would still fail to provide an indication of a relative distance between a network device and the reference point as all devices within a subnet would have the same distance to the reference point as they are all contained within the reference point, regardless of where they are physically located.

In view of the foregoing, Appellant contends that the cited references, taken either alone or in combination, fail to teach or suggest each and every limitation of Appellant's claim 1. As claims 2-4 and 6-14 include all patentable limitations of claim 1, these claims are also believed to be allowable. Appellant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 1-4 and 6-14.

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CONCLUSION

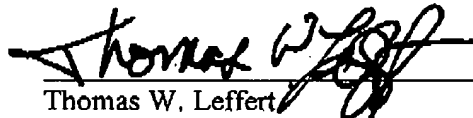
In view of the above remarks, Appellant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 08-2025.

If the Examiner or the review panel has any questions or concerns regarding this application or request, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

Date:

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Thomas W. Leffert
Reg. No. 40,697

Attorneys for Appellant
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 East Harmony Rd.
Fort Collins, CO 80527-2400